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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,037	10/07/2003	Loren Fond	1331	2723

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EXAMINER

DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,037

Applicant(s)

FOND, LOREN

Examiner

Jerome W. Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Tracy.

The device of claim 1 and 3 is disclosed by the device of Tracy.

The applicant is reminded that a weight lifting curl bar has not been positively claimed.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Shifferaw.

Shifferaw discloses the device of applicant as claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Pinard (FR).

Tracy discloses a device comprising two hinged bodies, and latched means as claimed.

Tracy however does not disclose his bodies as having a triangular configuration when locked together.

Pinard teaches manufacturing a weight plate as having a triangular configuration.

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Given the above teaching the examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the weight plates of Tracy in a triangular shape as a means of adding stability to the weights when resting on a surface or in the performance of other exercises using the device of Tracy modified supra, when resting the weight plates on a surface.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Bowman et al.

The examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the opening of Tracy in a regular polygon in view of the opening of Bowman et al fig. 5.

Bowman et al also discloses that other shapes may be used.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Shifferaw.

Tracy discloses the device of claims 2 and 5 substantially as claimed absent the specific latch means.

Shifferaw discloses a latch means comprising a latch member (21, 23) carried by one body and a latch pin (24) carried by another body.

Given the above teaching the examiner notes that it is well known and obvious in the art to manufacture weight plates such as Tracy having latch and pin means as a known and obvious locking means known in the art, in view of the latch 23 and pin 24 of Shifferaw.

Claims 9, 11, 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shifferaw (figs. 3 and 4) in view of Bowman et al.

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Shifferaw discloses the device of claim 9 substantially as claimed absent the teaching of an opening having a polygonal configuration. Bowman et al teaches manufacturing weight plate members having openings of a polygonal shape.

Given the above teaching the examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the bar and opening of Shifferaw as having a polygonal cross section as one of many obvious shapes in view of Bowman et al (Fig. 5) and for the purposes of adding more stability to the connection between the bar means and weight plate of Shifferaw.

In regard to claims 11, 12, 14 and 15 the examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the weight plates of Shifferaw to include a triangular shape and to include a polygonal opening there through in view of the disclosure of Bowman et al, Fig. 3, element 3 and page 3, col. 2 – page 4 col. 1. These shapes are well known in the art.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

Jerome Donnelly



Primary Examiner